

## REMARKS

Claims 1-18 are pending.

Claim 1 is currently amended to include the limitation "wherein said formulation or preparation is selected from the group consisting of lipsticks, blushers, foundations, nail varnishes and hair shampoos". Support for this amendment is located in paragraphs [0014] and [0015] of US 2006/0165620, the pre-grant publication of the instant invention.

A terminal disclaimer over US 5,766,335 is filed herewith.

No new matter has been added.

Claims 1-18 are presented for reconsideration.

### **Claim Rejection – Nonstatutory Double Patenting**

Claims 1-3 and 9 are rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 4, 6 and 7 of US 5,766,335.

A terminal disclaimer over US 5,766,335 is filed herewith.

The present nonstatutory double patenting rejection is addressed and is overcome.

### **Claim Rejection – 35 USC 103(a)**

Claims 1-18 are rejected under 35 USC 103(a) as being unpatentable over Bujard et al (US 5,766,335).

Claim 1 is currently amended to include the limitation "wherein said formulation or preparation is selected from the group consisting of lipsticks, blushers, foundations, nail varnishes and hair shampoos". Support for this amendment is located in paragraphs [0014] and [0015] of US 2006/0165620, the pre-grant publication of the instant invention.

US 5,766,335 teaches luster pigments for pigmenting plastic materials, paints and printing inks. The teaching of US 5,766,335 gives no hint or suggestion for the skilled artisan which would lead or motivate one to use these preparations for the purpose claimed in the present invention. Additionally, personal and cosmetic preparations or formulations of the instantly amended claims pertain to lipsticks, blushers, foundations, nail varnishes and hair shampoos. The limitations of the instantly amended claims can not be derived from the US 5,766,335; hence, the limitations are not met.

The Applicants submit that the 35 USC 103(a) rejection is addressed and is overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejection.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,



for

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Enclosure: One Month Extension of Time  
Terminal Disclaimer over US 5,766,335  
Fee Letter